

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

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	ALEXANDRIA DIVISION	SECTION P
ZHI QIANG YE	CIVIL ACTION NO. 1:16-CV-01742	
VERSUS	CHIEF JUDGE DRELL	
PHILLIP T. MILLER, <i>et al.</i>	MAGISTRATE JUDGE PEREZ-MONTES	

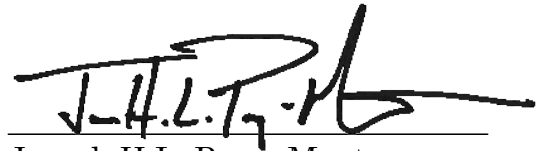
MEMORANDUM ORDER

Petitioner Zhi Qiang Ye (“Ye”) applied to this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and Zadvydas v. Davis, 533 U.S. 678 (2001). A show cause hearing will be held in this matter. Since it has been shown that Ye is not capable of understanding or participating in a meaningful way in a legal proceeding, counsel must be appointed for him.

Appointment of counsel is available for habeas corpus petitioners under 18 U.S.C. §3006A, when necessary in the interest of justice. Habeas Corpus Rule 8(c). There is a right to counsel in a habeas case when the district court determines that an evidentiary hearing is required. Swazo v. Wyoming Dept. of Corrections, 23 F.3d 333-34 (10th Cir. 1994), citing U.S. v. Vasquez, 7 F.3d 81, 84 (5th Cir. 1993).

Accordingly, IT IS ORDERED that the Federal Public Defender is appointed to represent Ye for the purpose of holding an evidentiary hearing in the above-captioned case.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana on this
25th day of April, 2017.

A handwritten signature in black ink, appearing to read 'J.H.L. Perez-Montes', written over a horizontal line.

Joseph H.L. Perez-Montes
United States Magistrate Judge